

I appreciate the good work, including that of my colleague, the senior Senator from Kentucky, who is one of the people who has stressed how important it is to have amendments. I recognize he cannot control his Senators all the time, nor can I. In spite of that, we have been able to work through legislation.

I want to get the appropriations bills done, as does Senator MCCONNELL. He and I have been members of the Appropriations Committee during our entire tenure in the Senate. It is important that we work through these bills. As of today, we will have completed five of them. We are going to do our utmost to do the conference reports before the first of October. We may have to—not may—we will have to have a short-term CR, and by the end of that short-term CR, hopefully we can complete all the appropriations bills.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### HEALTH CARE

Mr. MCCONNELL. Madam President, over the past few months, the American people have been sending us a clear message on health care. They want reforms that make health care more affordable and more accessible, that increase choice, and that keep government out of their health care decisions. What they don't want are so-called reforms that cut seniors' health care, force Americans off private health plans they have, cost hundreds of billions of dollars, raise taxes, and put government bureaucrats in charge of health care. But that is exactly what they would get under the plan released by the chairman of the Senate Finance Committee just yesterday. So while I appreciate the hard work of the senior Senator from Montana on this legislation—and he certainly has spent enormous amounts of time on it—I am extremely disappointed that it does not reflect the concerns Americans have been expressing for weeks about health care reform. That much is very clear.

Now it is time to let the American people study the bill themselves. Before we bring any legislation to the floor, we need to make sure the American people and all of our colleagues, every single one of them, have the time to carefully read it and evaluate its potential effects on our health care system and the economy in general. Americans got rushed on the stimulus. They will not be rushed on health care—not on an issue that affects every single American. Before we discuss or vote on any plan, we need to know what it does, how much it costs, and how it will be paid for.

Here is what we know now about the Finance Committee plan.

First, the Finance Committee proposal would cut hundreds of billions of

dollars from seniors' Medicare benefits to pay for new government programs. America's seniors want us to fix Medicare, not take money from it to pay for a new, untested, trillion-dollar government program. This bill would also break the President's promise to seniors that they will not be required to change the coverage they have. Right now, 11 million seniors are enrolled in Medicare Advantage, a program that gives them more options and choices when it comes to their health care. Ninety percent of these seniors are satisfied with their plan. The Finance Committee bill would make massive cuts to Medicare Advantage and force some seniors to give it up, something that even one of our Democratic friends just yesterday called "intolerable."

Senators from both sides of the aisle are concerned about the new burdens this bill would impose on States in the form of Medicaid expansion. Unlike the Federal Government, many States are constitutionally—in fact, I think virtually all of them are constitutionally required to have balanced budgets. This means that if politicians in Washington force them to increase spending on Medicaid, they very likely will have to cut services or raise taxes right in the middle of a recession.

The Finance Committee bill would kill jobs by forcing employers to provide insurance, regardless of whether they can afford it. While advocates of the bill say it does not contain an employer mandate, their claims just do not square with the facts. If you tell an employer that they either have to provide insurance or pay a penalty, that is a mandate.

The Finance Committee bill contains approximately \$350 billion in new taxes, and some of these taxes, such as those on medical devices ranging from MRIs to Q-tips and new taxes on insurance plans, will drive up insurance premiums and make health care even more expensive for American families. If there was one thing we thought everybody agreed on, it was that any reform should not make health care more expensive. Yet this Q-tip tax would actually increase health care costs. That is why Senators from both parties have warned that it would put thousands of jobs in jeopardy and actually deter innovation.

The Senate Finance Committee bill also contains a co-op, which is just another name for a government plan. It still gives the government far too much control over our health care system. It cuts seniors' benefits, spends hundreds of billions of dollars, and raises taxes to pay for another trillion-dollar government program. And it still does not contain the kind of commonsense reforms the American people support and Republicans have consistently recommended, such as meaningful reforms to get rid of junk lawsuits against doctors and hospitals and reforms to level the playing field when it comes to taxes on a health care plan.

There is no question that Americans want health care reform, but they want the right reforms and they want us to take the time we need to get it right. During the month of August, the American people sent us a clear message on health care. I am disappointed that many of my colleagues apparently were not listening.

#### CONSTITUTION DAY 2009

Mr. MCCONNELL. Madam President, the National Constitution Center in Philadelphia first opened its doors on July 4, 2003. Situated just steps away from the Liberty Bell and historic Independence Hall, it is the only museum in America solely dedicated to honoring America's Constitution.

Our Constitution was signed on this day—this very day—in 1787 by 39 brave, outstanding Americans. Now, 222 years later, we thank them for devising the finest system of government mankind has ever produced. By recognizing that rights flow from the people to their government and not the other way around, our Constitution is firmly dedicated to the preservation of liberty. That is why we celebrate every September 17 as Constitution Day. It is a day for all Americans to learn more about the Constitution, to understand how it works, and to appreciate how it has guided our Nation through growth and through change.

I thank the senior Senator from West Virginia, Mr. BYRD, for sponsoring this legislation 5 years ago to observe this historic day. We all know the love Senator BYRD has for his country and his country's history. He knows that you cannot truly understand how liberty is preserved in America without understanding the Constitution. Thank you, Senator, for your efforts to ensure that future generations also learn this important lesson.

On this day, we recognize citizens across the Nation who are honoring our Constitution by honoring its values and passing them along to our children and grandchildren. And we say a special thanks for the men and women in uniform who defend it. Thanks to them, the Constitution's promise will be there for the next generations of Americans.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with

the majority controlling the first half and the minority controlling the second half.

The Senator from Pennsylvania.

### U.S. POLICY IN AFGHANISTAN

Mr. SPECTER. Madam President, I have sought recognition to comment about U.S. policy in Afghanistan. During the course of the August recess, and of course with my customary practice, I traveled to Pennsylvania's 67 counties to take the pulse of my constituents. While there are many problems, there was considerable concern about what our policy is going to be in Afghanistan. I note at this time, according to yesterday's New York Times, there have been 821 American servicemembers killed in Afghanistan, some \$189 billion has been appropriated for Afghanistan, and by the end of this year there will be 68,000 American military personnel and an additional 38,000 NATO troops from other countries in Afghanistan.

Madam President, I ask unanimous consent that an extensive floor statement be included in the text of the CONGRESSIONAL RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, I intend now to summarize the substance of my concerns.

The approach on our policy has been outlined in testimony earlier this week by ADM Michael Mullen, Chairman of the Joint Chiefs of Staff, in these two statements: Our policy

... [is] to deny sanctuary to al-Qaida and the Taliban now and to generate a stable and secure Afghanistan capable of denying al-Qaida return after withdrawal of our combat forces and while we sustain partnership and commitment to political and economic development in that nation.

Admiral Mullen told the committee:

A properly resourced counterinsurgency probably means more forces, without question more time and more commitment to the protection of the Afghan people and to the development of good governance.

While I think it is laudable to want to protect the Afghan people and to provide good governance there, it is my view that is not of sufficient national interest for the United States to put our troops at risk or to expend substantial additional sums there. The principal question, as I see it, is whether Afghanistan is indispensable to be secured to prevent al-Qaida from launching another attack against the United States. If that is the purpose, that is the necessity, then we must undertake anything, whatever it costs, to stop al-Qaida from again attacking the United States.

But I believe there is a series of questions which have to be answered before we can assess whether that is an indispensable part of U.S. policy. Toward that end, I have written to the Sec-

retary of Defense, the Secretary of State, the Director of National Intelligence, and the Director of the Central Intelligence Agency on a series of questions which I think requires answers before we can make an informed judgment as to whether the expenditures in Afghanistan are in our specific and key national interests. These are the questions which I have posed for these leaders:

What are the prospects for military success in Afghanistan against al-Qaida and the Taliban? What will the requirements be in the next year as to additional U.S. troops and the cost of our involvement in Afghanistan? What may we reasonably expect NATO or other allies to contribute in troops and dollars to our efforts in Afghanistan? What other areas around the world are open to al-Qaida as potential bases for another attack on the United States? What will be done besides military action, such as nation building and stabilizing and developing Afghanistan, so that they will be prepared to handle their own problems so we can withdraw? What assistance can we reasonably expect from Pakistan in fighting al-Qaida and the Taliban and stopping both from seeking refuge by moving in and out of Pakistan? How does the questionable legitimacy of President Karzai's status as result of allegations of proof of election fraud impact on our ability to succeed in Afghanistan? How does the illegal drug trafficking and alleged involvement of high-ranking officials in the Karzai government in such drug trafficking impact on our efforts in Afghanistan? What does U.S. intelligence show as to any possible plans by al-Qaida to attack the United States or anyone else? What does U.S. intelligence show as to whether India poses a real threat to attack Pakistan? What does U.S. intelligence show as to whether Pakistan poses a real threat to attack India? What does U.S. intelligence show as to whether Pakistan could reasonably devote additional military force to assist us in the fight against the Taliban? What does U.S. intelligence show as to whether the Government of Pakistan or influential officials in the Pakistani Government would consider negotiating with India for reducing nuclear weapons or other confidence-building measures to diffuse the tension with India if actively encouraged to do so by the United States? What does U.S. intelligence show as to whether the Government of India or some influential officials in the Indian Government would consider negotiating with Pakistan for reducing nuclear weapons or other confidence-building measures to diffuse the tension with Pakistan if actively encouraged by the United States to do so?

We have learned a bitter lesson from Iraq—that we did not have answers to important questions in formulating our policy there. Had we known that Saddam Hussein did not have weapons of mass destruction, I think the United States would not have gone into Iraq.

These questions were posed by me when we had the debate on the resolution for authorizing the use of force. On October 7, 2002, I said the following:

What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequences in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel?

The President, as Commander in Chief, as we all know, has primary responsibility to conduct war but the Constitution vests in the Congress the sole authority to declare war. Regrettably, the congressional authority and responsibility has been dissipated with what we have seen in Korea and in Vietnam and in the authorizations for the use of force in the two incursions into Iraq. We do not have the authority under separation of powers to delegate that authority. And had we asked the tough questions and had we gotten correct, honest, accurate answers, it would have been a great help to President George W. Bush in formulating a policy as to Iraq. I think now it would be a great help to President Barack Obama for the Congress to exercise our persistence in finding correct answers to these kinds of tough questions.

We have a situation with Pakistan today which gives great pause. The United States has advanced \$15.5 billion to Pakistan since 9/11. Some \$10.9 billion of that money has gone for security, and there is a real question as to whether we have gotten our monies worth. The comments from the New York Times on December 24, 2007 raised these issues:

Money has been diverted to help finance weapons systems designed to counter India, not al-Qaida or the Taliban ... the United States has paid tens of millions of dollars in inflated Pakistani reimbursement claims for fuel, ammunition and other costs.

Dr. Anthony Cordesman, of the Center for Strategic and International Studies, wrote on April 10 of this year:

Far too much of the military portion of the ... past U.S. aid to Pakistan never was used to help fight the Taliban and al-Qaida or can't be accounted for. Future aid should clearly be tied to clearly defined goals for Pakistani action and full accounting for the money.

The New York Times, on August 30 of this year, pointed out:

The United States has accused Pakistan of illegally modifying American-made missiles to expand its capability to strike land targets, a potential threat to India.

The questions which have been posed in the series of letters which I have outlined go to the issue as to whether India poses a threat to Pakistan. It is hard for me to contemplate that is a serious problem, but we ought to be informed and we ought to be putting our efforts to seeing if we cannot broker a peace treaty between India and Pakistan, which would enable us to get substantial help from Pakistan in our fight against the Taliban.

In 1995, when I was chairman of the Intelligence Committee, Senator Hank